

MAY 07 2010

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Article No. 7006-2760-0000-8647-6579

Article No. 7006-2760-0000-8647-6586

Mr. Donald Kendall, Acting Director  
Technical Services Division  
U.S. Department of Agriculture  
Grain Inspection, Packers and Stockyards Administration  
10383 N. Ambassador Drive  
Kansas City, Missouri 64153-1394

Mr. Gary Fremerman, Esq.  
Office of General Counsel  
U.S. Department of Agriculture  
Room 3351 South Building  
1400 Independence Avenue, SW  
Washington, DC 20250

Re: Notice of Termination  
Consent Agreement and Final Order  
EPA Docket No. RCRA-07-2006-0276  
United States Department of Agriculture  
Grain Inspection, Packers and Stockyards Administration  
Federal Grain Inspection Service  
RCRA ID No. MOD985796762

498625



RCRA

Dear Messrs. Kendall and Fremerman:

The U.S. Environmental Protection Agency (EPA) has determined that the United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration/Federal Grain Inspection Service (USDA GIPSA/FGIS) has met all of the requirements of the Resource Conservation and Recovery Act (RCRA) Section 3008(a), Consent Agreement and Final Order, issued on August 28, 2007, EPA Docket No. RCRA-07-2006-0276 (Order), by providing the documentation listed in Paragraph 8 of the Consent Agreement. As required by Paragraph 26 of the Final Order (Notice), this letter provides written notice to USDA GIPSA/FGIS, that it has fully implemented all actions required by the Order. In addition, for your review and consideration, I am attaching comments on the PowerPoint presentation that was developed by USDA GIPSA/FGIS.

AWMD/WEMM/KSNOWDEN:mrw:04/30/2010:H:AWMD/WEMM/Corres10/KS:USDA  
FGIS Notice of Order Termination Letter.04.29.2010.doc

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CNSL  
CHEN  
05/ 6 /10

AC

WEMM  
TOENSING  
05/ 7 /10

The issuance of this Notice does not affect the continuing obligation of USDA GIPSA/FGIS to comply with RCRA and all applicable Federal and State regulations, including, but not limited to Title 40 Code of Federal Regulations (40 CFR) Parts 260-279 and Missouri's regulations found at Title 10 Code of State Regulations (10 CSR), Division 25, Chapters 1 through 16.

If there are any questions regarding this letter, please contact Kevin Snowden at (913)551-7022 or by e-mail at [snowden.kevin@epa.gov](mailto:snowden.kevin@epa.gov).

Sincerely,

Donald Toensing, Chief  
Waste Enforcement and Materials  
Management Branch  
Air and Waste Management Division

Enclosure

cc: Mr. Dennis Hansen, Missouri Department of Natural Resources  
Ms. Dorothy Franklin, Acting Director, MDNR, Lee's Summit, MO

bcc: Mr. Alex Chen, CNSL (electronic copy)  
Ms. Beth Koesterer, WEMM (electronic copy)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

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RCRA ID No. MOD985796762

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If there are any questions regarding this letter, please contact Kevin Snowden at (913)551-7022 or by e-mail at [snowden.kevin@epa.gov](mailto:snowden.kevin@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Toensing', with a stylized flourish at the end.

Donald Toensing, Chief  
Waste Enforcement and Materials  
Management Branch  
Air and Waste Management Division

Enclosure

cc: Mr. Dennis Hansen, Missouri Department of Natural Resources  
Ms. Dorothy Franklin, Acting Director, MDNR, Lee's Summit, MO

Suggestions for  
USDA GIPSA/FGIS  
PowerPoint Presentation

On August 28, 2007, the U.S. Environmental Protection Agency (EPA) and the United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA GIPSA/FGIS) entered into a Resource Conservation and Recovery Act (RCRA) Section 3008(a), Consent Agreement and Final Order (CAFO) (EPA Docket No. RCRA-07-2006-0276). USDA GIPSA/FGIS provided a copy of a PowerPoint presentation to the EPA as required by Paragraph 8 of the CAFO. The EPA completed its review of the presentation and is offering the USDA GIPSA/FGIS the following suggestions for consideration:

- **General Comment:** The PowerPoint presentation only provided a discussion of the federal requirements related to hazardous waste management. The information provided in the presentation did not include any discussions related to state requirements/regulations. Therefore, USDA GIPSA/FGIS should consider adding a general discussion which specifies that facilities are also required to follow the state requirements/regulations which may be more stringent than the federal requirements.
- **Slide 31:** The flow diagram shown on this slide is incorrect. According to this slide if a facility generates between “100 – 1,000 kg/month” and “accumulates < 180 days” the facility is a “Generator and TSDF.” Also, according to this slide, if a facility generates “> 1,000 kg/month” and “accumulates < 90 days” the facility is a “Generator and TSDF.” The slide would be correct if the two boxes were changed to “accumulates > 180 days” and “accumulates > 90 days.” The “Notes” section should also be clarified by indicating that a facility would be a LQG facility if it generated more than 1 kilogram (kg) of acute hazardous waste and did not store this hazardous waste more than 90 days. If the 1 kg of acutely hazardous waste is stored more than 90 days, the facility would be a “Generator and TSDF.”
- **Slide 32:** USDA GIPSA/FGIS should be cognizant of the Missouri requirements for small quantity generator (SQG) facilities that are found at Title 10 Code of State Regulations (10 CSR) 25-5.262(2)(C)2.A. If a SQG facility located in Missouri accumulates more than 1,000 kg of nonacute hazardous waste, the facility would be subject to certain large quantity generator (LQG) requirements.
- **Slide 39:** USDA GIPSA/FGIS should be cognizant of the Missouri requirements for conditionally exempt small quantity generator (CESQG) facilities that are found at 10 CSR 25-3.260(1)(A)25. If a CESQG facility located in Missouri accumulates more than 100 kg of nonacute hazardous waste, the facility would be subject to the SQG requirements. In addition, this slide failed to indicate the CESQG facility requirements of Title 40 Code of Federal Regulations 261.5(g)(3) which require these generator facilities to “either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility . . . .”
- **Slide 40:** As of January 12, 2009, a fine/penalty for RCRA noncompliance may be assessed for an amount up to \$37,500 per day per violation.

Suggestions for  
USDA GIPSA/FGIS  
PowerPoint Presentation

- **Slide 42:** It should be noted that each state has web pages which provide helpful information and guidance related to the management of hazardous wastes.

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MAY 11 2010

United States Environmental Protection Agency  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

WENN

attn: Kevin Snowden



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**1. Article Addressed to:**

Mr. Donald Kendall, Acting Director, TSD  
U. S. Department of Agriculture  
Grain Inspection, Packers & Stockyards Administration  
10383 N. Ambassador Drive  
Kansas City, MO 64153-1394

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Mr. Gary Fremmerman, Esq.  
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1400 Independence Avenue, SW  
Washington, DC 20250

PS Form 3800, August 2004

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PS F